IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1411 OF 2007

1.Shri.Santosh Maruti Gaikwad, &
2.Shri.Hemant Ramesh Pisal @ Posta. ..Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.Uday Warunjikar, Adv. i/b. Prafulla Mhatre, Adv. for the Applicants.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 30th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking bail in C.R.No.55 of 2007 of Panvel Town Police Station. The said case is under Section 302 of IPC.

3. As far as applicant No.2 - Hemant Ramesh Pisal @ Posta is concerned, Mr.Warunjikar the learned Advocate for the applicants states that he is not pressing the application for bail in respect of applicant No.2 at this stage and seeks liberty to file a fresh application for bail at a

later stage. Liberty as prayed for is granted. Hence this application is being heard and disposed of only in respect of applicant No.1 Santosh Maruti Gaikwad.

4. It is the prosecution case that the present applicants and one other caught hold of two persons thinking that they are thieves. As far as applicant No.1 is concerned, no role has been attributed to him of assaulting the deceased. The only role attributed to the applicant No.1 is that he tied the deceased with the rope to a pole so that the thieves should not run-away.

5. In this view of the matter, I am inclined to grant bail to applicant No.1 only.

6. Applicant No.1 - Santosh Maruti Gaikwad to be released on bail in the sum of Rs.15,000/- with one or two sureties to make up the said amount. The applicant shall report to Panvel Town Police Station once in a week, till conclusion of the trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)